

**CHAPTER 1046**

## REGULATION OF COMMERCIAL FEED

H.F. 2438

**AN ACT** relating to the regulation of commercial feed.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 198.3, subsection 3, Code 1997, is amended to read as follows:

3. "Commercial feed" means all materials ~~except or a combination of materials which are distributed or intended for distribution for use as feed or for mixing in feed, unless such materials are specifically exempted.~~ Unmixed whole seeds ~~unmixed or~~ and physically altered entire unmixed seeds, when such whole or physically altered seeds are not chemically changed or are not adulterated within the meaning of section 198.7, subsection 1, ~~which are distributed for use as feed or for mixing in feed exempt.~~ The secretary by rule may exempt from this definition, or from specific provisions of this chapter, commodities such as hay, straw, stover, silage, cobs, husks, hulls and individual chemical compounds or substances when such commodities, compounds or substances are not intermixed or mixed with other materials, and are not adulterated within the meaning of section 198.7, subsection 1.

Sec. 2. Section 198.4, subsection 1, unnumbered paragraph 1, Code 1997, is amended by striking the paragraph and inserting in lieu thereof the following:

This section shall apply to any person:

- a. Who manufactures a commercial feed within the state.
- b. Who distributes a commercial feed in or into the state.
- c. Whose name appears on the label of a commercial feed as guarantor.

The person shall obtain a license, for each facility which distributes in or into the state, authorizing the person to manufacture or distribute commercial feed before the person engages in such activity. Any person who makes only retail sales of commercial feed which bears labeling or other approved indication that the commercial feed is from a licensed manufacturer, guarantor, or distributor who has assumed full responsibility for the tonnage inspection fee due under section 198.9 is not required to obtain a license.

Approved April 2, 1998

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**CHAPTER 1047**

## DESIGNATION OF JUDICIAL DEPARTMENT AS JUDICIAL BRANCH

H.F. 2456

**AN ACT** changing the designation of the judiciary in the Code from the judicial department to the judicial branch.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 4.1, subsection 5, Code 1997, is amended to read as follows:

5. "Court employee" and "employee of the judicial ~~department~~ branch" include every officer or employee of the judicial ~~department~~ branch except a judicial officer.

Sec. 2. Section 8.23, unnumbered paragraph 2, Code 1997, is amended to read as follows:

On or before November 15 all departments and establishments of government and the judicial ~~department~~ branch shall transmit to the department of management and the legislative fiscal bureau estimates of their receipts and expenditure requirements from federal or other nonstate grants, receipts, and funds for the ensuing fiscal year. The transmittal shall include the names of the grantor and the grant or the source of the funds, the estimated amount of the funds, and the planned expenditures and use of the funds. The format of the transmittal shall be specified by the legislative fiscal bureau.

Sec. 3. Section 8.44, unnumbered paragraph 2, Code 1997, is amended to read as follows:

All departments and establishments of government and the judicial ~~department~~ branch shall notify the department of management and the legislative fiscal bureau of any change in the receipt of federal or other nonstate grants, receipts, and funds from the funding levels on which appropriations for the current or ensuing fiscal year were or are based. Changes which must be reported include, but are not limited to, any request, approval, award, or loss changes affecting federal or other nonstate grants, receipts, or funds. The notifications shall be made on a quarterly basis. The format of the notifications shall be specified by the legislative fiscal bureau.

Sec. 4. Section 8D.2, subsection 5, Code 1997, is amended to read as follows:

5. "Public agency" means a state agency, an institution under the control of the board of regents, the judicial ~~department~~ branch as provided in section 8D.13, subsection 17, a school corporation, a city library, a regional library as provided in chapter 256, a county library as provided in chapter 336, or a judicial district department of correctional services established in section 905.2, to the extent provided in section 8D.13, subsection 15, an agency of the federal government, or a United States post office which receives a federal grant for pilot and demonstration projects.

Sec. 5. Section 8D.9, subsection 1, Code 1997, is amended to read as follows:

1. A private or public agency, other than a state agency, local school district or nonpublic school, city library, regional library, county library, judicial ~~department~~ branch, judicial district department of correctional services, agency of the federal government, a hospital or physician clinic, or a post office authorized to be offered access pursuant to this chapter as of May 18, 1994, shall certify to the commission no later than July 1, 1994, that the agency is a part of or intends to become a part of the network. Upon receiving such certification from an agency not a part of the network on May 18, 1994, the commission shall provide for the connection of such agency as soon as practical. An agency which does not certify to the commission that the agency is a part of or intends to become a part of the network as required by this subsection shall be prohibited from using the network.

Sec. 6. Section 8D.13, subsection 2, paragraph c, Code Supplement 1997, is amended to read as follows:

c. "Part III" means the communications connection between the secondary switching centers and the agencies defined in section 8D.2, subsections 4 and 5, excluding state agencies, institutions under the control of the board of regents, nonprofit institutions of higher education eligible for tuition grants, and the judicial ~~department~~ branch, judicial district departments of correctional services, hospitals and physician clinics, agencies of the federal government, and post offices.

Sec. 7. Section 8D.13, subsection 5, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

The state shall lease all fiberoptic cable facilities or facilities with DS-3 capacity for Part III connections for which state funding is provided. The state shall lease all fiberoptic cable facilities or facilities with DS-3 or DS-1 capacity for the judicial ~~department~~ branch, judicial district department of correctional services, and state agency connections for which state

funding is provided. Such facilities shall be leased from qualified providers. The state shall not own such facilities, except for those facilities owned by the state as of January 1, 1994.

Sec. 8. Section 8D.13, subsection 17, Code Supplement 1997, is amended to read as follows:

17. Access shall be offered to the judicial ~~department~~ branch provided that the ~~department~~ judicial branch contributes an amount consistent with the ~~department's~~ judicial branch's share of use for the part of the network in which the ~~department~~ judicial branch participates, as determined by the commission.

Sec. 9. Section 11.5A, Code 1997, is amended to read as follows:

11.5A AUDIT COSTS.

When requested by the auditor of state, the department of management shall transfer from any unappropriated funds in the state treasury an amount not exceeding the expenses and prorated salary costs already paid to perform examinations of state executive agencies and the offices of the judicial ~~department~~ branch, and federal financial assistance, as defined in Pub. L. No. 98-502, received by all other departments for which payments by agencies have not been made. Upon payment by the departments, the auditor of state shall credit the payments to the state treasury.

Sec. 10. Section 11.5B, subsection 11, Code 1997, is amended to read as follows:

11. Offices of the clerks of the district court of the judicial ~~department~~ branch.

Sec. 11. Section 17A.2, subsection 1, Code 1997, is amended to read as follows:

1. "Agency" means each board, commission, department, officer or other administrative office or unit of the state. "Agency" does not mean the general assembly, the judicial ~~department~~ branch or any of its components, the office of consumer advocate, the governor or a political subdivision of the state or its offices and units. Unless provided otherwise by statute, no less than two-thirds of the members eligible to vote of a multimember agency constitute a quorum authorized to act in the name of the agency.

Sec. 12. Section 20.4, subsection 7, Code 1997, is amended to read as follows:

7. Judicial officers, and confidential, professional, or supervisory employees of the judicial ~~department~~ branch.

Sec. 13. Section 46.5A, Code 1997, is amended to read as follows:

46.5A JUDICIAL NOMINATING COMMISSION EXPENSES.

Members of the state judicial nominating commission and the district judicial nominating commissions are entitled to be reimbursed for actual and necessary expenses incurred in the performance of their duties as commissioners for each day spent attending commission meetings or training sessions called by the chairperson. Expenses shall be paid from funds appropriated to the judicial ~~department~~ branch for this purpose.

Sec. 14. Section 68B.2, subsection 25, Code 1997, is amended to read as follows:

25. "State employee" means a person who is not an official and is a paid employee of the state of Iowa and does not include an independent contractor, an employee of the judicial ~~department~~ branch who is not an employee of the office of attorney general, an employee of the general assembly, an employee of a political subdivision of the state, or an employee of any agricultural commodity promotional board, if the board is subject to a producer referendum.

Sec. 15. Section 68B.39, Code 1997, is amended to read as follows:

68B.39 SUPREME COURT RULES.

The supreme court of this state shall prescribe rules by January 1, 1993, establishing a code of ethics for officials and employees of the judicial ~~department~~ branch of this state, and the immediate family members of the officials and employees. Rules prescribed under this

paragraph shall include provisions relating to the receipt or acceptance of gifts and honoraria, interests in public contracts, services against the state, and financial disclosure which are substantially similar to the requirements of this chapter.

The supreme court of this state shall also prescribe rules which relate to activities by officials and employees of the judicial ~~department~~ branch which constitute conflicts of interest.

Sec. 16. Section 135L.2, subsection 2, paragraph a, Code Supplement 1997, is amended to read as follows:

a. The video shall be available through the state and local offices of the Iowa department of public health, the department of human services, and the judicial ~~department~~ branch and through the office of each licensed physician who performs abortions.

Sec. 17. Section 135L.3, subsection 3, paragraph j, Code Supplement 1997, is amended to read as follows:

j. If the court denies the petition for waiver of notification and if the decision is not appealed or all appeals are exhausted, the court shall advise the pregnant minor that, upon the request of the pregnant minor, the court will appoint a licensed marital and family therapist to assist the pregnant minor in addressing any intrafamilial problems. All costs of services provided by a court-appointed licensed marital and family therapist shall be paid by the court through the expenditure of funds appropriated to the judicial ~~department~~ branch.

Sec. 18. Section 216A.136, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The division shall maintain an Iowa statistical analysis center for the purpose of coordinating with data resource agencies to provide data and analytical information to federal, state, and local governments, and assist agencies in the use of criminal and juvenile justice data. Notwithstanding any other provision of state law, unless prohibited by federal law or regulation, the division shall be granted access, for purposes of research and evaluation, to criminal history records, official juvenile court records, juvenile court social records, and any other data collected or under control of the board of parole, department of corrections, district departments of correctional services, department of human services, judicial ~~department~~ branch, and department of public safety. However, intelligence data and peace officer investigative reports maintained by the department of public safety shall not be considered data for the purposes of this section. Any record, data, or information obtained by the division under this section and the division itself is subject to the federal and state confidentiality laws and regulations which are applicable to the original record, data, or information obtained by the division and to the original custodian of the record, data, or information. The access shall include but is not limited to all of the following:

Sec. 19. Section 216A.138, subsection 2, Code Supplement 1997, is amended to read as follows:

2. The department of human services, department of corrections, judicial ~~department~~ branch, department of public safety, department of education, local school districts, and other state agencies and political subdivisions shall cooperate with the division in the development of the plan.

Sec. 20. Section 225C.4, subsection 1, paragraph n, Code 1997, is amended to read as follows:

n. Provide consultation and technical assistance to patients' advocates appointed pursuant to section 229.19, in cooperation with the judicial ~~department~~ branch and the care review committees appointed for health care facilities pursuant to section 135C.25.

Sec. 21. Section 232.2, subsection 9, Code Supplement 1997, is amended to read as follows:

9. "Court appointed special advocate" means a person duly certified by the ~~judicial department~~ judicial branch for participation in the court appointed special advocate program and appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party or is called as a witness or relating to any dispositional order involving the child resulting from such proceeding.

Sec. 22. Section 232.143, subsection 1, Code 1997, is amended to read as follows:

1. A statewide expenditure target for children in group foster care placements in a fiscal year, which placements are a charge upon or are paid for by the state, shall be established annually in an appropriation bill by the general assembly. The department and the ~~judicial department~~ judicial branch shall jointly develop a formula for allocating a portion of the statewide expenditure target established by the general assembly to each of the department's regions. The formula shall be based upon the region's proportion of the state population of children and of the statewide usage of group foster care in the previous five completed fiscal years and other indicators of need. The expenditure amount determined in accordance with the formula shall be the group foster care budget target for that region. A region may exceed its budget target for group foster care by not more than five percent in a fiscal year, provided the overall funding allocated by the department for all child welfare services in the region is not exceeded.

Sec. 23. Section 232A.2, Code 1997, is amended to read as follows:

232A.2 PROGRAM CREATED.

A juvenile victim restitution program is created which shall be funded through moneys appropriated by the general assembly to the ~~department~~ judicial branch. The primary purpose of the program is to provide funds to compensate victims for losses due to the delinquent acts of juveniles.

Upon completion of a district's plan, the ~~department~~ judicial branch shall provide funds in conformance with the procedures and policies of the state. The ~~department~~ judicial branch shall reclaim any portion of an initial allocation to a judicial district that is unencumbered on December 31 of any year. The ~~department~~ judicial branch shall immediately reallocate the reclaimed funds to those judicial districts from which funds were not reclaimed in the manner provided in this section for the original allocation. Any portion of an amount allocated that remains unencumbered on June 30 of any year shall revert to the general fund of the state.

Sec. 24. Section 232A.3, Code 1997, is amended to read as follows:

232A.3 REPORTS REQUIRED.

Each judicial district shall submit a report of the progress and financial status of its juvenile victim restitution program to the ~~department~~ judicial branch on a quarterly basis. The ~~department~~ judicial branch shall prepare and submit annually a report on the progress and financial status of the programs to the general assembly no later than March 15.

Sec. 25. Section 237.3, subsection 8, Code Supplement 1997, is amended to read as follows:

8. The department, in consultation with the ~~department~~ judicial branch, the division of criminal and juvenile justice planning of the department of human rights, residential treatment providers, the foster care provider association, and other parties which may be affected, shall review the licensing rules pertaining to residential treatment facilities, and examine whether the rules allow the facilities to accept and provide effective treatment to juveniles with serious problems who might not otherwise be placed in those facilities.

Sec. 26. Section 237.18, subsection 6, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The state board shall make recommendations to the general assembly, the department, to child-placing agencies, the governor, the supreme court, the chief judge of each judicial

district, and to the judicial ~~department~~ branch. The recommendations shall include, but are not limited to, identification of systemic problems in the foster care and the juvenile justice systems, specific proposals for improvements that assist the systems in being more cost-effective and better able to protect the best interests of children, and necessary changes relating to the data collected and the annual report made under subsection 2, paragraph "b".

Sec. 27. Section 261.2, subsection 14, Code 1997, is amended to read as follows:

14. Develop and implement, in cooperation with the department of human services and the judicial ~~department~~ branch, a program to assist juveniles who are sixteen years of age or older and who have a case permanency plan under chapter 232 or 237 or are otherwise under the jurisdiction of chapter 232 in applying for federal and state aid available for higher education.

Sec. 28. Section 321J.3, subsection 3, Code Supplement 1997, is amended to read as follows:

3. The state department of transportation, in cooperation with the judicial ~~department~~ branch, shall adopt rules, pursuant to the procedure in section 125.33, regarding the assignment of persons ordered under section 321J.17 to submit to substance abuse evaluation and treatment. The rules shall be applicable only to persons other than those committed to the custody of the director of the department of corrections under section 321J.2. The rules shall be consistent with the practices and procedures of the judicial ~~department~~ branch in sentencing persons to substance abuse evaluation and treatment under section 321J.2. The rules shall include the requirement that the treatment programs utilized by a person pursuant to an order of the department meet the licensure standards of the division of substance abuse for the department of public health. The rules shall also include provisions for payment of costs by the offenders, including insurance reimbursement on behalf of offenders, or other forms of funding, and shall also address reporting requirements of the facility, consistent with the provisions of sections 125.84 and 125.86. The department shall be entitled to treatment information contained in reports to the department, notwithstanding any provision of chapter 125 that would restrict department access to treatment information and records.

Sec. 29. Section 321J.24, subsection 9, Code Supplement 1997, is amended to read as follows:

9. The chief judge of the judicial district shall determine fees to be paid by participants in the program. The judicial ~~department~~ branch shall use the fees to pay all costs associated with the program. The court shall either require the participant to pay the fee in order to participate in the program, or may waive the fee or collect a lesser amount upon a showing of cause.

Sec. 30. Section 421.17, subsection 25, paragraph f, Code Supplement 1997, is amended to read as follows:

f. The department shall set off the debt, plus a fee established by rule to reflect the cost of processing, against the debtor's income tax refund or rebate. The department shall transfer ninety percent of the amount set off to the treasurer of state for deposit in the general fund of the state. The remaining ten percent shall be remitted to the judicial ~~department~~ branch and used to defray the costs of this procedure. If the debtor gives timely written notice of intent to contest the amount of the claim, the department shall hold the refund or rebate until final determination of the correct amount of the claim.

Sec. 31. Section 602.1101, subsection 5, Code 1997, is amended to read as follows:

5. "Court employee" or "employee of the judicial ~~department~~ branch" means an officer or employee of the judicial ~~department~~ branch except a judicial officer.

Sec. 32. Section 602.1101, subsection 6, Code 1997, is amended by striking the subsection.

Sec. 33. Section 602.1102, Code 1997, is amended to read as follows:  
602.1102 JUDICIAL ~~DEPARTMENT~~ BRANCH.

The judicial ~~department~~ branch consists of all of the following:

1. The supreme court.
2. The court of appeals.
3. The district court.
4. The clerks of all of the courts of this state.
5. Juvenile court officers.
6. Court reporters.
7. All other court employees.

Sec. 34. Section 602.1201, Code 1997, is amended to read as follows:  
602.1201 SUPERVISION AND ADMINISTRATION.

The supreme court has supervisory and administrative control over the ~~department~~ judicial branch and over all judicial officers and court employees.

Sec. 35. Section 602.1202, Code 1997, is amended to read as follows:  
602.1202 JUDICIAL COUNCIL.

A judicial council is established, consisting of the chief judges of the judicial districts, the chief judge of the court of appeals, and the chief justice who shall be the chairperson. The council shall convene not less than twice each year at times and places as ordered by the chief justice. The council shall advise the supreme court with respect to the supervision and administration of the ~~department~~ judicial branch.

Sec. 36. Section 602.1203, Code 1997, is amended to read as follows:  
602.1203 PERSONNEL CONFERENCES.

The chief justice may order conferences of judicial officers or court employees on matters relating to the administration of justice or the affairs of the ~~department~~ judicial branch. For judges and other court employees who handle cases involving children and family law, the chief justice shall require regular training concerning mental or emotional disorders which may afflict children and the impact children with such disorders have upon their families.

Sec. 37. Section 602.1204, Code 1997, is amended to read as follows:  
602.1204 PROCEDURES FOR ~~DEPARTMENT~~ JUDICIAL BRANCH.

1. The supreme court shall prescribe procedures for the orderly and efficient supervision and administration of the ~~department~~ judicial branch. These procedures shall be executed by the chief justice.

2. The state court administrator may issue directives relating to the management of the ~~department~~ judicial branch. The subject matters of these directives shall include, but need not be limited to, fiscal procedures, the judicial retirement system, and the collection and reporting of statistical and other data. The directives shall provide for an affirmative action plan which shall be based upon guidelines provided by the Iowa state civil rights commission. In addition, when establishing salaries and benefits the state court administrator shall not discriminate in the employment or pay between employees on the basis of gender by paying wages to employees at a rate less than the rate at which wages are paid to employees of the opposite gender for work of comparable worth. As used in this section "comparable worth" means the value of work as measured by the composite of the skill, effort, responsibility, and working conditions normally required in the performance of work.

3. The supreme court shall compile and publish all procedures and directives relating to the supervision and administration of the internal affairs of the ~~department~~ judicial branch, and shall distribute a copy of the compilation and all amendments to each operating component of the ~~department~~ judicial branch. Copies also shall be distributed to agencies referred to in section 18.97 upon request.

4. The supreme court shall accept bids for the printing of court forms from both public and

private enterprises and shall attempt to contract with both public and private enterprises for a reasonable portion of the court forms.

Sec. 38. Section 602.1207, Code 1997, is amended to read as follows:

602.1207 REPORT OF THE CONDITION OF THE JUDICIAL ~~DEPARTMENT~~ BRANCH.

The chief justice shall communicate the condition of the ~~department~~ judicial branch by message to each general assembly, and may recommend matters the chief justice deems appropriate.

Sec. 39. Section 602.1208, subsection 2, Code 1997, is amended to read as follows:

2. The state court administrator is the principal administrative officer of the judicial ~~department~~ branch, subject to the immediate direction and supervision of the chief justice.

Sec. 40. Section 602.1209, subsections 1, 2, 3, 6, 7, and 8, Code 1997, are amended to read as follows:

1. Manage the judicial ~~department~~ branch.

2. Administer funds appropriated to the ~~department~~ judicial branch.

3. Authorize the filling of vacant court-employee positions, review the qualifications of each person to be employed within the ~~department~~ judicial branch, and assure that affirmative action goals are being met by the ~~department~~ judicial branch. The state court administrator shall not approve the employment of a person when either the proposed terms and conditions of employment or the qualifications of the individual do not satisfy personnel policies of the ~~department~~ judicial branch. The administrator shall implement the comparable worth directives issued under section 602.1204, subsection 2 in all court employment decisions.

6. Collect and compile information and statistical data, and submit reports relating to judicial business, including juvenile court activities and other matters relating to the ~~department~~ judicial branch.

7. Formulate and submit recommendations for improvement of the judicial system, with reference to the structure of the ~~department~~ judicial branch and its organization and methods of operation, the selection, compensation, number, and tenure of judicial officers and court employees, and other matters as directed by the chief justice or the supreme court.

8. Call conferences of district court administrators as necessary in the administration of the ~~department~~ judicial branch.

Sec. 41. Section 602.1214, subsections 3 and 5, Code 1997, are amended to read as follows:

3. The district court administrator shall assist the state court administrator in the implementation of policies of the ~~department~~ judicial branch and in the performance of the duties of the state court administrator.

5. The district court administrator shall comply with policies of the ~~department~~ judicial branch and the judicial district.

Sec. 42. Section 602.1215, subsections 3 and 4, Code 1997, are amended to read as follows:

3. The clerk of the district court shall assist the state court administrator and the district court administrator in carrying out the rules, directives, and procedures of the ~~department~~ judicial branch and the judicial district.

4. The clerk of the district court shall comply with rules, directives, and procedures of the ~~department~~ judicial branch and the judicial district.

Sec. 43. Section 602.1217, subsections 3 and 4, Code 1997, are amended to read as follows:

3. The chief juvenile court officer, in addition to performing the duties of a juvenile court officer, shall supervise juvenile court officers and administer juvenile court services within

the judicial district in accordance with law and with the rules, directives, and procedures of the ~~department~~ judicial branch and the judicial district.

4. The chief juvenile court officer shall assist the state court administrator and the district court administrator in implementing rules, directives, and procedures of the ~~department~~ judicial branch and the judicial district.

Sec. 44. Section 602.1218, Code 1997, is amended to read as follows:  
602.1218 REMOVAL FOR CAUSE.

Inefficiency, insubordination, incompetence, failure to perform assigned duties, inadequacy in performance of assigned duties, narcotics addiction, dishonesty, unrehabilitated alcoholism, negligence, conduct which adversely affects the performance of the individual or of the ~~department~~ judicial branch, conduct unbecoming a public employee, misconduct, or any other just and good cause constitutes cause for removal.

Sec. 45. Section 602.1301, Code 1997, is amended to read as follows:  
602.1301 BUDGET AND FISCAL PROCEDURES.

1. The supreme court shall prepare an annual operating budget for the ~~department~~ judicial branch, and shall submit a budget request to the general assembly for the fiscal period for which the general assembly is appropriating funds.

2. a. As early as possible, but not later than December 1, the supreme court shall submit to the legislative fiscal bureau the annual budget request and detailed supporting information for the judicial ~~department~~ branch. The submission shall be designed to assist the legislative fiscal bureau in its preparation for legislative consideration of the budget request. The information submitted shall contain and be arranged in a format substantially similar to the format specified by the director of management and used by all departments and establishments in transmitting to the director estimates of their expenditure requirements pursuant to section 8.23, except the estimates of expenditure requirements shall be based upon one hundred percent of funding for the current fiscal year accounted for by program, and using the same line item definitions of expenditures as used for the current fiscal year's budget request, and the remainder of the estimate of expenditure requirements prioritized by program. The supreme court shall also make use of the department of management's automated budget system when submitting information to the director of management to assist the director in the transmittal of information as required under section 8.35A. The supreme court shall budget and track expenditures by the following separate organization codes:

- (1) Iowa court information system.
- (2) Appellate courts.
- (3) Central administration.
- (4) District court administration.
- (5) Judges and magistrates.
- (6) Court reporters.
- (7) Juvenile court officers.
- (8) District court clerks.
- (9) Jury and witness fees.

b. Before December 1, the supreme court shall submit to the director of management an estimate of the total expenditure requirements of the judicial ~~department~~ branch. The director of management shall submit this estimate received from the supreme court to the governor for inclusion without change in the governor's proposed budget for the succeeding fiscal year. The estimate shall also be submitted to the chairpersons of the committees on appropriations.

3. The state court administrator shall prescribe the procedures to be used by the operating components of the ~~department~~ judicial branch with respect to the following:

- a. The preparation, submission, review, and revision of budget requests.
- b. The allocation and disbursement of funds appropriated to the ~~department~~ judicial branch.

- c. The purchase of forms, supplies, equipment, and other property.
  - d. Other matters relating to fiscal administration.
4. The state court administrator shall prescribe practices and procedures for the accounting and internal auditing of funds of the department judicial branch, including uniform practices and procedures to be used by judicial officers and court employees with respect to all funds, regardless of source.

Sec. 46. Section 602.1302, Code 1997, is amended to read as follows:  
602.1302 STATE FUNDING.

1. Except as otherwise provided by sections 602.1303 and 602.1304 or other applicable law, the expenses of operating and maintaining the department judicial branch shall be paid out of the general fund of the state from funds appropriated by the general assembly for the department judicial branch. State funding shall be phased in as provided in section 602.11101.

2. The supreme court may accept federal funds to be used in the operation of the department judicial branch, but shall not expend any of these funds except pursuant to appropriation of the funds by the general assembly.

3. A revolving fund is created in the state treasury for the payment of jury and witness fees and mileage by the department judicial branch. The department judicial branch shall deposit any reimbursements to the state for the payment of jury and witness fees and mileage in the revolving fund. Notwithstanding section 8.33, unencumbered and unobligated receipts in the revolving fund at the end of a fiscal year do not revert to the general fund of the state. The department judicial branch shall on or before February 1 file a financial accounting of the moneys in the revolving fund with the legislative fiscal bureau. The accounting shall include an estimate of disbursements from the revolving fund for the remainder of the fiscal year and for the next fiscal year.

4. The department judicial branch shall reimburse counties for the costs of witness and mileage fees and for attorney fees paid pursuant to section 232.141, subsection 1.

Sec. 47. Section 602.1304, subsection 2, paragraph c, Code Supplement 1997, is amended to read as follows:

c. Moneys in the collections fund shall be used by the judicial department branch for the Iowa court information system; records management equipment, services, and projects; other technological improvements; electronic legal research equipment, systems, and projects; and the study, development, and implementation of other innovations and projects that would improve the administration of justice. The moneys in the collection fund may also be used for capital improvements necessitated by the installation of or connection with the Iowa court information system, the Iowa communications network, and other technological improvements approved by the department judicial branch.

Sec. 48. Section 602.1401, subsections 1, 2, and 3, Code 1997, are amended to read as follows:

1. The supreme court shall establish, and may amend, a personnel system and a pay plan for court employees. The personnel system shall include a designation by position title, classification, and function of each position or class of positions within the department judicial branch. Reasonable efforts shall be made to accommodate the individual staffing and management practices of the respective clerks of the district court. The personnel system, in the employment of court employees, shall not discriminate on the basis of race, creed, color, sex, national origin, religion, physical disability, or political party preference. The supreme court, in establishing the personnel system, shall implement the comparable worth directives issued by the state court administrator under section 602.1204, subsection 2.

2. The personnel system shall include the prohibitions against sexual harassment of full-time, part-time, and temporary employees set out in section 19B.12, and shall include a grievance

procedure for discriminatory harassment. The personnel system shall develop and distribute at the time of hiring or orientation, a guide that describes for employees the applicable sexual harassment prohibitions and grievance, violation, and disposition procedures. This subsection does not supersede the remedies provided under chapter 216.

2. The supreme court shall compile and publish all documents that establish the personnel system, and shall distribute a copy of the compilation and all amendments to each operating component of the ~~department~~ judicial branch.

3. The state court administrator is the public employer of judicial ~~department~~ branch employees for purposes of chapter 20, relating to public employment relations.

For purposes of chapter 20, the certified representative, which on July 1, 1983 represents employees who become judicial ~~department~~ branch employees as a result of 1983 Iowa Acts, chapter 186, shall remain the certified representative when the employees become judicial ~~department~~ branch employees and thereafter, unless the public employee organization is decertified in an election held under section 20.15 or amended or absorbed into another certified organization pursuant to chapter 20. Collective bargaining negotiations shall be conducted on a statewide basis and the certified employee organizations which engage in bargaining shall negotiate on a statewide basis, although bargaining units shall be organized by judicial district. The public employment relations board shall adopt rules pursuant to chapter 17A to implement this subsection.

Sec. 49. Section 602.1402, Code 1997, is amended to read as follows:  
602.1402 PERSONNEL CONTROL.

The employment of court employees within an operating component of the judicial ~~department~~ branch is subject to prior authorization by the supreme court, and to approval by the state court administrator under section 602.1209.

Sec. 50. Section 602.1502, subsection 1, Code 1997, is amended to read as follows:

1. The supreme court shall set the compensation of the state court administrator. The salaries of other employees of the judicial ~~department~~ branch shall be set pursuant to the ~~department's~~ judicial branch's pay plan established under section 602.1401.

Sec. 51. Section 602.1510, Code 1997, is amended to read as follows:  
602.1510 BOND EXPENSE.

The cost of a bond that is required of a judicial officer or court employee in the discharge of duties shall be paid by the ~~department~~ judicial branch.

Sec. 52. Section 602.1610, subsection 2, Code 1997, is amended to read as follows:

2. The mandatory retirement age for employees of the judicial ~~department~~ branch is as provided in section 97B.46.

Sec. 53. Section 602.2101, Code 1997, is amended to read as follows:  
602.2101 AUTHORITY.

The supreme court may retire, discipline, or remove a judicial officer from office or may discipline or remove an employee of the judicial ~~department~~ branch for cause as provided in this part.

Sec. 54. Section 602.2103, Code 1997, is amended to read as follows:  
602.2103 OPERATION OF COMMISSION.

A quorum of the commission is four members. Only those commission members that are present at commission meetings or hearings may vote. An application by the commission to the supreme court to retire, discipline, or remove a judicial officer, or discipline or remove an employee of the judicial ~~department~~ branch, or an action by the commission which affects the final disposition of a complaint, requires the affirmative vote of at least four commission members. Notwithstanding chapter 21 and chapter 22, all records, papers, proceedings, meetings, and hearings of the commission are confidential, but if the commission applies to the supreme court to retire, discipline, or remove a judicial officer, or to discipline or remove

an employee of the judicial department branch, the application and all of the records and papers in that proceeding are public documents.

Sec. 55. Section 602.2104, Code 1997, is amended to read as follows:  
602.2104 PROCEDURE BEFORE COMMISSION.

1. Charges before the commission shall be in writing but may be simple and informal. The commission shall investigate each charge as indicated by its gravity. If the charge is groundless, it shall be dismissed by the commission. If the charge appears to be substantiated but does not warrant application to the supreme court, the commission may dispose of it informally by conference with or communication to the judicial officer or employee of the judicial department branch involved. If the charge appears to be substantiated and if proved would warrant application to the supreme court, notice shall be given to the judicial officer and a hearing shall be held before the commission. The commission may employ investigative personnel, in addition to the executive secretary, as it deems necessary. The commission may also employ or contract for the employment of legal counsel.

2. In case of a hearing before the commission, written notice of the charge and of the time and place of hearing shall be mailed to a judicial officer or an employee of the judicial department branch at the person's residence at least twenty days prior to the time set for hearing. Hearing shall be held in the county where the judicial officer or employee of the judicial department branch resides unless the commission and the judicial officer or employee of the judicial department branch agree to a different location. The judicial officer shall continue to perform judicial duties during the pendency of the charge and the employee shall continue to perform the employee's assigned duties, unless otherwise ordered by the commission. The attorney general shall prosecute the charge before the commission on behalf of the state. A judicial officer or employee of the judicial department branch may defend and has the right to participate in person and by counsel, to cross-examine, to be confronted by the witnesses, and to present evidence in accordance with the rules of civil procedure. A complete record shall be made of the evidence by a court reporter. In accordance with its findings on the evidence, the commission shall dismiss the charge or make application to the supreme court to retire, discipline, or remove the judicial officer or to discipline or remove an employee of the judicial department branch.

3. The commission has subpoena power, which may be used in conducting investigations and during the hearing process. A person who disobeys the commission's subpoena or who refuses to testify or produce documents as required by a commission subpoena may be punished for contempt in the district court for the county in which the hearing is being held or the investigation is being conducted. Costs related to investigations and to the appearance of witnesses subpoenaed by the designated prosecutor shall be paid by the commission. Commission subpoenas may be issued as follows:

a. During an investigation, subpoenas shall be issued by the commission, at the request of the person designated to conduct the investigation, to compel the appearance of persons or the production of documents before the person who is designated to conduct the investigation. The person designated to conduct the investigation shall administer the required oath.

b. During the hearing process, subpoenas shall be issued by the commission at the request of the designated prosecutor or the judicial officer or employee of the judicial department branch.

Sec. 56. Section 602.2106, subsections 1, 2, and 3, Code 1997, are amended to read as follows:

1. If the commission submits an application to the supreme court to retire, discipline, or remove a judicial officer or to discipline or remove an employee of the judicial department branch, the commission shall promptly file in the supreme court a transcript of the hearing before the commission. The statutes and rules relative to proceedings in appeals of equity suits apply.

2. The attorney general shall prosecute the proceedings in the supreme court on behalf of the state, and the judicial officer or employee of the judicial ~~department~~ branch may defend in person and by counsel.

3. Upon application by the commission, the supreme court may do any of the following:

a. Retire the judicial officer for permanent physical or mental disability which substantially interferes with the performance of judicial duties.

b. Discipline or remove the judicial officer for persistent failure to perform duties, habitual intemperance, willful misconduct in office, conduct which brings judicial office into disrepute, or substantial violation of the canons of judicial ethics. Discipline may include suspension without pay for a definite period of time not to exceed twelve months.

c. Discipline or remove an employee of the judicial ~~department~~ branch for conduct which violates the code of ethics prescribed by the supreme court for court employees.

Sec. 57. Section 602.5205, subsection 2, Code 1997, is amended to read as follows:

2. Offices may be provided for court of appeals judges or employees at any place other than the seat of state government with the approval of the supreme court within the funds available to the judicial ~~department~~ branch.

Sec. 58. Section 602.6301, Code 1997, is amended to read as follows:

602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES.

There shall be one district associate judge in counties having a population, according to the most recent federal decennial census, of more than thirty-five thousand and less than eighty thousand; two in counties having a population of eighty thousand or more and less than one hundred twenty-five thousand; three in counties having a population of one hundred twenty-five thousand or more and less than two hundred thousand; four in counties having a population of two hundred thousand or more and less than two hundred thirty-five thousand; five in counties having a population of two hundred thirty-five thousand or more and less than two hundred seventy thousand; six in counties having a population of two hundred seventy thousand or more and less than three hundred five thousand; and seven in counties having a population of three hundred five thousand or more. However, a county shall not lose a district associate judgeship solely because of a reduction in the county's population. If the formula provided in this section results in the allocation of an additional district associate judgeship to a county, implementation of the allocation shall be subject to prior approval of the supreme court and availability of funds to the judicial ~~department~~ branch. A district associate judge appointed pursuant to section 602.6302 or 602.6303 shall not be counted for purposes of this section.

Sec. 59. Section 602.7203, Code 1997, is amended to read as follows:

602.7203 JUVENILE VICTIM RESTITUTION.

The ~~department~~ judicial branch shall administer the juvenile victim restitution program created in chapter 232A.

Sec. 60. Section 602.8107, subsection 5, Code Supplement 1997, is amended to read as follows:

5. If a county attorney does not file the notice and list of cases required in section 331.756, subsection 5, the judicial ~~department~~ branch may assign cases to the centralized collection unit of the department of revenue and finance or its designee to collect debts owed to the clerk of the district court.

The department of revenue and finance may impose a fee established by rule to reflect the cost of processing which shall be added to the debt owed to the clerk of the district court. Any amounts collected by the unit will first be applied to the processing fee. The remaining amounts shall be remitted to the clerk of the district court for the county in which the debt is owed. The judicial ~~department~~ branch may prescribe rules to implement this section. These rules may provide for remittance of processing fees to the department of revenue and finance or its designee.

Satisfaction of the outstanding obligation occurs only when all fees or charges and the outstanding obligation are paid in full. Payment of the outstanding obligation only shall not be considered payment in full for satisfaction purposes.

The department of revenue and finance or its collection designee shall file with the clerk of the district court a notice of the satisfaction of each obligation to the full extent of the moneys collected in satisfaction of the obligation. The clerk of the district court shall record the notice and enter a satisfaction for the amounts collected.

Sec. 61. Section 602.8108, subsection 4, paragraph a, Code 1997, is amended to read as follows:

a. Eighty percent shall be used to enhance the ability of the judicial ~~department~~ branch to process cases more quickly and efficiently, to electronically transmit information to state government, local governments, law enforcement agencies, and the public, and to improve public access to the court system. Moneys in this paragraph shall not be used for the Iowa court information system.

Sec. 62. Section 602.9206, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Section 602.1612 does not apply to a senior judge but does apply to a retired senior judge. During the tenure of a senior judge, if the judge is able to serve, the judge may be assigned by the supreme court to temporary judicial duties on courts of this state without salary for an aggregate of thirteen weeks out of each twelve-month period, and for additional weeks with the judge's consent. A senior judge shall not be assigned to judicial duties on the supreme court unless the judge has been appointed to serve on the supreme court prior to retirement. While serving on temporary assignment, a senior judge has and may exercise all of the authority of the office to which the judge is assigned, shall continue to be paid the judge's annuity as senior judge, shall be reimbursed for the judge's actual expenses to the extent expenses of a district judge are reimbursable under section 602.1509, may, if permitted by the assignment order, appoint a temporary court reporter, who shall be paid the remuneration and reimbursement for actual expenses provided by law for a reporter in the court to which the senior judge is assigned, and, if assigned to the court of appeals or the supreme court, shall be given the assistance of a law clerk and a secretary designated by the court administrator of the judicial ~~department~~ branch from the court administrator's staff. Each order of temporary assignment shall be filed with the clerks of court at the places where the senior judge is to serve.

Sec. 63. Section 602.11101, subsection 5, unnumbered paragraph 2, Code 1997, is amended to read as follows:

Until July 1, 1986 the county shall remain responsible for the compensation of and operating costs for court employees not presently designated for state financing and for miscellaneous costs of the judicial ~~department~~ branch related to furnishings, supplies, and equipment purchased, leased, or maintained for the use of judicial officers, referees, and their staff. Effective July 1, 1986 the state shall assume the responsibility for the compensation of and operating costs for court employees presently designated for state financing and for miscellaneous costs of the judicial ~~department~~ branch related to furnishings, supplies, and equipment purchased, leased, or maintained for the use of judicial officers, referees, and their staff. However, the county shall at all times remain responsible for the provision of suitable courtrooms, offices, and other physical facilities pursuant to section 602.1303, subsection 1, including paint, wall covering, and fixtures in the facilities.

Sec. 64. Section 602.11101, subsection 6, Code 1997, is amended to read as follows:

6. The state shall assume the responsibility for the costs of indigent defense on July 1, 1987. However, an attorney appointed to represent an indigent person pursuant to section 331.777 is not a court employee, as defined in section 602.1101, subsection 5, and the judicial ~~department~~ branch does not have supervisory power over personnel of public defender offices established pursuant to section 331.776.

Sec. 65. Section 602.11107, subsection 1, Code 1997, is amended to read as follows:

1. Commencing on the date when each category of employees becomes state employees as a result of this Act, public property referred to in subsection 2 that on the day prior to that date is in the custody of a person or agency referred to in subsection 3 shall not become property of the judicial ~~department~~ branch but shall be devoted for the use of the judicial ~~department~~ branch in its course of business. The judicial ~~department~~ branch shall only be responsible for maintenance contracts or contracts for purchase entered into by the judicial ~~department~~ branch. Upon replacement of the property by the judicial ~~department~~ branch, the property shall revert to the use of the appropriate county. However, if the property is personal property of a historical nature, the property shall not become property of the judicial ~~department~~ branch, and the county shall make the property available to the judicial ~~department~~ branch for the ~~department's~~ judicial branch's use within the county courthouse until the court no longer wishes to use the property, at which time the property shall revert to the use of the appropriate county.

Sec. 66. Section 805.6, subsection 3, Code 1997, is amended to read as follows:

3. Supplies of the uniform citation and complaint for municipal corporations and county agencies shall be paid for out of the budget of the municipal corporation or county receiving the fine resulting from use of the citation and complaint. Supplies of the uniform citation and complaint form used by other agencies shall be paid for out of the budget of the agency concerned and not out of the budget of the judicial ~~department~~ branch.

Sec. 67. Section 232A.1, Code 1997, is repealed.

Sec. 68. DIRECTIVE TO CODE EDITOR.

1. The Code editor is directed to substitute the words "judicial branch" for the words "judicial department" when there appears to be no doubt as to the intent to refer to the judicial department.

2. The Code editor is directed to substitute the words "judicial branch" for the word "department", in chapters 232A and 602 when there appears to be no doubt as to the intent to refer to the judicial department.

Approved April 2, 1998

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## CHAPTER 1048

### DRAINAGE DISTRICT REPAIRS AND IMPROVEMENTS — PERIOD FOR FINANCING

H.F. 2492

**AN ACT** relating to drainage districts, by extending the period for financing repairs and improvements.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 468.127, unnumbered paragraph 2, Code 1997, is amended to read as follows:

If the board deems that the costs of the repairs or improvements will create assessments against the lands in the district greater than should be borne in one year, it may levy the same at one time and provide for the payment of said costs and assessments in the manner